

**Serial No. 10/520,238**  
**Atty. Doc. No. 2002P02127WOUS**

**REMARKS**

Claims 13, 15-20, 24 and 28-32 are pending in the application.

Claims 1-12, 14, 21, 22, 23, 25, 26 and 27 have been previously cancelled.

Claim 18 is cancelled herein.

Applicants respectfully request that the Office Communication dated as mailed on 10/18/2006 and designated as FINAL ("Final Action") be withdrawn because the action is not complete as required by 37 C.F.R. §1.104(a) and/or (b).

The Final Action is a verbatim replication of the Office communication dated as mailed on 04/24/2006 ("Previous Action") except for the signature page and absence of applicants' Information Disclosure Statement. The fact that the Final Action is merely a copy of the Previous Action is most emphatically exemplified by the Office Action Summary page indicating that the Final Action is responsive to communication(s) filed on 08 February 2006, which should not be the case, and the continued rejection of claims that have been cancelled in applicants' previous response filed on 06/30/2006 ("Applicants' Response").

More specifically, claim 17 was amended in Applicants' Response to overcome a rejection under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. This amendment was not acknowledged in the Final Action except that the exact verbatim rejection was made as in the Previous Action even though such rejection appears to be clearly inappropriate in view of applicants' amendment.

Also, the Final Action objects to claim 22 as being a substantial duplicate of claim 24 when claim 22 was cancelled in Applicants' Response, and claims 14, 21, 22, 25, 26 and 27 have been rejected in the Final Action even though these claims were cancelled in Applicants' Response.

Furthermore, claims 26-29 have been again rejected under 35 U.S.C. 103(a) in the Final Action as being unpatentable over Lau et al. (U.S. Pub. No. 2002/0098294 A1) in further view of

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Wadley et al. (U.S. Pub. No. 2005/0287296 A1). It was submitted in Applicants' Response that Wadley et al. does not qualify as prior art with respect to the instant application. Specifically, Wadley et al. claims priority from U.S. Provisional Application Ser. No. 60/398,384 filed July 25, 2002 whereas the instant application claims the benefit of European Patent Application No. 02015282.3 EP filed July 9, 2002. This issue seems to have been overlooked in the Final Action. Thus, applicants again respectfully request that Wadley et al. be withdrawn as prior art.

Applicants respectfully submit that the Final Action is not a complete action as required by 37 C.F.R. §1.104, perhaps due to a clerical error at the Patent Office, and respectfully request an Office communication that addresses the merits of Applicants Response. A review of the Image File Wrapper for this application having Application No.: 10/520,238 provides no indication why a substantive and complete response to the Previous Action has not been accorded to the applicants, since Applicants Response has been made part of the file.

Notwithstanding the above, applicant has amended claims 13, 17, 19, 20, 24, 28 and 30-31 to more clearly define the subject matter of the invention, and entry of these amendments is respectfully requested.

In view of the above amendments and remarks, applicants respectfully request reconsideration of this application, admission of the amendments contained herein, withdrawal of the Final Action and the issuance of a corrected Office communication.

Further in view of the amendments and remarks in this amendment and the Previous Action, applicants respectfully submit that claims 13, 15-17, 19, 20, 24 and 28-32 are in condition for allowance and notice to that effect is respectfully requested.

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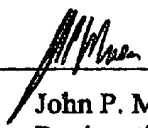
**Conclusion**

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 12/14/06

By: \_\_\_\_\_

  
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